

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

TERRELL C. BIRCH  
RAYMOND C. STEWART  
JOSEPH A. KOLASCH  
JAMES M. SLATTERY  
BERNARD L. SWEENEY\*  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOE MCKINNEY MUNCY  
ROBERT J. KENNEY  
JOHN W. BAILEY  
MARK J. NUELL, PH.D.  
JAMES T. ELLER, JR.  
D. RICHARD ANDERSON

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
ELLIOT A. GOLDBERG\*  
WILLIAM L. GATES\*  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET.)\*  
F. PRINCE BUTLER  
FRED S. WHISENHUNT  
JAMES W. HELLWEGE

\*ADMITTED TO A BAR OTHER THAN VA

INTELLECTUAL PROPERTY LAW  
8110 GATEHOUSE ROAD  
SUITE 500 EAST  
FALLS CHURCH, VA 22042-1210  
USA

(703) 205-8000

FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com  
web: http://www.bskb.com

CALIFORNIA OFFICE  
COSTA MESA, CALIFORNIA

SCOTT L. LOWE  
PAUL C. LEWIS  
RICHARD J. GALLAGHER  
JAYNE M. SAYDAH\*  
MARYANNE ARMSTRONG, P.C.  
KECIA J. REYNOLDS  
ROBERT L. SCOTT, II  
KALPANA REDDY  
MARK E. OLDS  
ESTHER H. CHONG  
CATHERINE M. VOISINET\*  
EUGENE T. PEREZ

REG PATENT AGENTS:  
FREDERICK R. HANDREN  
MAKI HATSUMI  
CRAIG A. McROBBIE  
GARTH M. DAHLEN, PH.D.  
ROBERT E. GOOZNER, PH.D.  
KRISTI L. RUPERT, PH.D.  
MATTHEW T. SHANLEY  
SUSAN W. GORMAN, PH.D.  
DAVID J. CHO  
ROBERT W. DOWNS

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02/28/02



Date: February 28, 2002

Docket No.: 1110-0307P

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a  continuation  divisional  
 continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/297,328 filed on April 29, 1999,  
the entire contents of which are hereby incorporated by  
reference,  
by

NAGATA, Shigekazu; YATOMI, Takehiro; and SUDA, Takashi

for

PROPHYLACTIC/THERAPEUTIC AGENT

1.  Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
2.  The filing fee has been calculated as follows:

		LARGE ENTITY		SMALL ENTITY		
BASIC FEE		\$740.00		\$370.00		
NUMBER FILED		NUMBER EXTRA	RATE	FEE	RATE	FEE
<b>TOTAL CLAIMS</b>	15-20 =	0	x 18 =	\$0.00	x 9 =	\$0.00
<b>INDEPENDENT CLAIMS</b>	5-3 =	2	x 84 =	\$168.00	x 42 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00		+ \$140.00	
		<b>TOTAL</b>		<b>\$908.00</b>		<b>\$0.00</b>

3.  A check in the amount of \$908.00 to cover the filing fee and recording fee (if applicable) is enclosed.

4.  Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.

5. Amend the specification by inserting before the first line thereof the following:

a.  --This application is a  continuation  divisional  continuation-in-part of co-pending Application No. 09/297,328, filed on April 29, 1999, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. filed in on under 35 U.S.C. § 119.--

b.  --This application is a  continuation  divisional  continuation-in-part of co-pending Application No. 09/297,328, filed on April 29, 1999 and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/297,328 is the national phase of PCT International Application No. PCT/JP97/03978 filed on October 31, 1997 under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application Nos. 08-290459; 08-351718; and 09-262521 filed in JAPAN on October 31, 1996; December

27, 1996; and September 26, 1997, respectively, under 35 U.S.C. § 119.--

6.  Enclosed is/are twenty-one (21) sheet(s) of formal drawings and/or photographs.

7a.  A statement claiming small entity status was filed in prior Application No. 09/297,328 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.

7b.  The current application qualifies for small entity status.

8.  The prior application is assigned to Mochida Pharmaceutical Co., Ltd. and Osaka Bioscience Institute

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9.  A Preliminary Amendment is enclosed.

10a.  Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.

10b.  Priority of International Appln. PCT/JP97/03978 filed on October 31, 1997 under the Patent Cooperation Treaty and Japanese Application Nos. 08-290459; 08-351718; and 09-262521 filed in JAPAN on October 31, 1996; December 27, 1996; and September 26, 1997 under 35 U.S.C. § 119 are hereby reclaimed.

11.  An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

12.  Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
or  
Customer No. 2292

13.  An extension of time for \_\_\_\_\_ ( ) month(s) until has been submitted in parent Application No. 09/297,328 in order to establish co-pendency with the present application.

14.  Also enclosed herewith is the following:

Receipt of Deposit of Microorganisms; and

Verification of Translation.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By maamsty (Reg No 46,069)  
Gerald M. Murphy, Jr., #28,977

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/MAA/csp  
1110-0307P

Attachments

(Rev. 11/15/01)